

tion, and the need for a statewide study of ways and means to prevent violations of the law and improve law enforcement, create an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the House, October 25, 1957: Yeas 107, Nays 2; House concurred in Senate amendments, November 8, 1957: Yeas 117, Nays 3; passed the Senate, as amended, November 7, 1957, by a viva-voce vote.

Approved Nov. 27, 1957.

Effective 90 days after Nov. 12, 1957, date of adjournment.

## WATER PLANNING ACT OF 1957

### CHAPTER 11<sup>9</sup>

#### S. B. No. 1

An Act providing for the Texas Water Planning Act of 1957; defining terms; creating the Texas Water Resources Planning Division within the State Board of Water Engineers; prescribing the functions of the Planning Division and specifying its powers and authority under the supervision and direction of the State Board of Water Engineers; providing for the accumulation of data by the Planning Division in cooperation with other state and federal agencies and for the appointment of a representative of the State Soil Conservation Board to work and advise with the Planning Division and authorizing the use of appropriated funds for the purpose of paying the salary, travel and other expenses of such representative; providing that all records, reports, data and information in the files of the Planning Division shall be open to public inspection and authorizing the publication and sale of such material in printed form; providing a method of financing by re-allocating certain funds that have been heretofore appropriated to the Board of Water Engineers and by transferring the sum of Five Hundred Thousand Dollars (\$500,000.00) previously appropriated to the Texas Prison System and by transferring the sum of Two Hundred Ninety-Four Thousand Four Hundred Dollars (\$294,400.00) previously appropriated to the Texas Commission on Higher Education, so as to make available sufficient funds to cover expenditures for the salary of the Planning Engineer, the salaries of employees of the Board, and expenses incidental to the functioning of the agency in accordance with the provisions of this Act; authorizing and prescribing conditions, limitations, rules and procedures for expending the appropriated funds, remaining balances, and fees authorized to be collected; providing for a Planning Engineer and prescribing the qualifications therefor; and for such other engineers, empowering the Board of Water Engineers, under certain conditions, to negotiate for the acquiring of conservation storage in reservoirs created by the United States Government and to report such negotiations to the Legislature; providing that such agreements shall not be binding upon the State of Texas or the Board of Water Engineers unless specifically approved by the Legislature; containing a severability clause; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

#### Name of Act

Section 1. This Act shall be known as "The Texas Water Planning Act of 1957."

<sup>9</sup> Vernon's Ann.Civ.St. art. 7472d—1.

**Definitions**

Sec. 2. As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

- (a) "Board" means the Board of Water Engineers.
- (b) "Planning Division" or "Division" means the Texas Water Resources Planning Division of the State Board of Water Engineers, as created and constituted by this Act.
- (c) "Public Agency" means and includes any agency of the United States, State of Texas or political subdivision of the State.
- (d) "Conservation Storage" means that portion or part of a reservoir created by a dam or other works of improvement in which water may be impounded or stored for conservation, development, and beneficial use in accordance with law.

**Creation of Water Planning Division**

Sec. 3. The State Board of Water Engineers is hereby authorized and directed to establish within the Board a division to be known as the Texas Water Resources Planning Division.

Sec. 3(a). The Planning Division shall be under the supervision and direction of the State Board of Water Engineers, and its functions shall be:

- (1) To develop an inventory as to quantity, quality, and location of all surface water resources of the State.
- (2) To analyze topographic maps and other data appropriate for the determination of the development of available surface supplies for meeting present and foreseeable needs.
- (3) To prepare an inventory of information as to available underground water disclosed by geologic and hydrologic investigation of underground reservoirs.
- (4) To enter into contracts with federal, state and local political subdivisions and agencies including the State Soil Conservation Board and any other persons, firm or corporation for topographic mapping, joint investigation and research in the field of water and soil resource planning.
- (5) To enter into contracts and agreements with any public agency to carry out a joint program of topographic and geologic mapping of the watersheds of this state and to expend funds specifically appropriated to the State Board of Water Engineers for this purpose.
- (6) To prepare a present and continuing inventory of the available water resources of the state.
- (7) To make studies of probable additional beneficial use for surface, ground and underground waters.
- (8) To prepare and submit to the Legislature a state wide water report of the water resources of the state with a correlation and relationship of these resources and to make recommendations to the Legislature for the maximum development of the water resources of the state, and to furnish the same to all members of the Legislature and elected officers of the state without cost.

**Accumulation of Data and Cooperation of Agencies**

Sec. 3(b) The Planning Division shall have access to all public records pertaining to the purposes of this section, and all state public agencies are hereby directed to cooperate with and to furnish to said Division

copies of all data collected by any such agencies. The Planning Division is hereby directed to bring together the studies heretofore and hereafter made by the Board, the Texas Water Resources Committee, the University of Texas Bureau of Business Research, the Texas Society of Professional Engineers, the University of Texas, the A. & M. College System of Texas, the State Soil Conservation Board, the Public Health Authorities, the United States Geological Survey, the United States Soil Conservation Service, the United States Army Corps of Engineers, the United States Bureau of Reclamation, the International Boundary and Water Commission, the Canadian, Pecos, Rio Grande, and Sabine Compact Commissions, the several river authorities, ground water conservation districts and other political subdivisions, and any and all other agencies having information or having studied the subject of water resources policy and conservation, and to relate and correlate such information with such additional data and information as the Division may collect and assemble on its own behalf.

The State Soil Conservation Board is authorized to appoint a representative to advise and work with the Planning Division; the State Soil Conservation Board is hereby authorized to use any funds heretofore appropriated for use during the current biennium ending August 31, 1959, for the purpose of paying the salary, travel expenses and other expenses of the representatives appointed by the Soil Conservation Board.

#### Distribution and Publication of Information

Sec. 3(c) All records, reports, data and information in the files of the Planning Division shall be open to public inspection and shall be made available and supplied in printed form to all interested persons, firms, corporations, political subdivisions and public agencies. The State Board of Water Engineers is authorized to charge and collect reasonable fees of all interested parties, to cover the costs of the publication and distribution of such information.

#### Salaries and Other Expenses: Method of Financing

Sec. 4. (a) The Planning Engineer shall receive a salary to be determined by the Legislature. The Board is authorized to employ a Planning Engineer, and such assistant planning engineers and such professional and clerical employees as may be authorized for the performance of the duties herein imposed upon the Planning Division. The Legislature, hereafter in General Departmental Appropriation Acts, shall make the necessary appropriation to pay wages, salaries, and other expenses of the Planning Division.

For the balance of the current biennium, and out of the moneys hereinafter transferred to the Board of Water Engineers, the Board is authorized to expend the following sums, or as much of them as may be necessary, for the objects and purposes shown:

	For the nine months end- ing Aug. 31, 1958	For the year ending Aug. 31, 1959
For salaries and wages—		
1. Planning Engineer .....	\$ 7,500	\$ 10,000
2. Secretary to Planning Engineer .....	2,700	3,600
3. First Assistant Planning Engineer ....	6,750	9,000
4. Secretary to Assistant Planning Engineer .....	2,475	3,300
Sub-total .....	19,425	25,900

	For the nine months end- ing Aug. 31, 1958	For the year ending Aug. 31, 1959
For salaries and wages—Continued		
5. Chief Topographic Engineer .....	\$ 6,750	\$ 9,000
6. Secretary .....	2,385	3,180
7. For topographic mapping, ground water studies, evaporation control research, either alone, by contract, or in coopera- tion with Federal, State, or local legal entities, including salaries and wages..	325,070	53,615 plus U.B.
Sub-total, Topographic Mapping Section .....	334,205	65,795 plus U.B. of item 7
For flood forecasting, evaporative studies and other surface water investigations necessary for planning purposes:		
8. Chief Surface Water Planning En- gineer .....	6,750	9,000
9. Engineer, Grade 5 .....	6,450	8,600
10. Engineers, Grade 4, NTE \$7,800 .....	11,700	15,600
11. Engineers, Grade 3, NTE \$7,200 .....	5,400	14,400
12. Engineering Aides, NTE \$3,800 .....	7,905	15,340
13. Secretaries, NTE \$3,180 .....	4,770	6,360
Sub-total .....	42,975	69,300
Ground Water Research, Investigation and Evaluation necessary for Planning Purposes:		
14. Chief Ground Water Planning En- gineer .....	6,750	9,000
15. Geologist Grade 6, or Chemist, 2 NTE \$8,600 .....	12,900	17,200
16. Geologists, NTE \$6,600 .....	9,900	13,200
17. Geologists, NTE \$5,400 .....	8,100	10,800
18. Engineering Aides, NTE \$4,800 .....	10,830	19,240
19. Secretaries, NTE \$3,180 .....	4,770	6,360
20. Engineering Stenographer .....	2,475	3,300
Sub-total .....	\$ 55,725	\$ 79,100
Coordinating and Planning Section:		
21. Chief Engineer for Coordination of Planning .....	\$ 6,750	\$ 9,000
22. Associate Engineer, Grade 6 .....	6,450	8,600
23. Engineers, NTE \$7,800 .....	10,400	23,400
24. Junior Engineers, NTE \$5,400 .....	—	10,800
25. Secretaries, NTE \$3,180 .....	4,770	6,360
26. Clerks, NTE \$2,820 .....	2,115	5,640
Sub-total, Coordinating and Planning Section .....	\$ 30,485	\$ 63,800

# WATER PLANNING ACT OF 1957

Ch. 11

For the purposes of augmenting the Boards' present statistical and administrative service division with additional positions for the planning purposes of this Act:		For the nine months ending Aug. 31, 1958	For the year ending Aug. 31, 1959
27. Chief Clerk .....	\$ 4,050	\$ 5,400	
28. Assistant Statistician .....	3,600	4,800	
29. Tabulating Machine Supervisor .....	4,050	5,400	
30. File Supervisor .....	2,700	3,600	
31. Seasonal Help .....	600	800	
Sub-total .....	\$ 15,000	\$ 20,000	
For Other Operating Expenses..			
32. For travel expenses, the operation and maintenance of trucks, office and engineering supplies, equipment, furniture and fixtures, telephone and telegraph, utilities, bond premiums, postage, printing, reference books, rents, and for electronic computations of engineering and hydrological data by contract or machine rental, and other contingent expense, including the State's share of contributions required by law to the Employees Retirement System and Old Age and Survivors insurance for Employees hereinabove provided ..	37,730	35,200 plus U.B.	
Total .....	\$535,545	\$359,095 plus U.B. designated above	

It is specifically provided that the Board of Water Engineers in its discretion is authorized to use the funds designated by items 8 through 13 by contractual agreements for surface water investigation to accomplish the purposes of this Act.

It is also provided that the Board is authorized in its discretion to use the funds designated in items 14 through 20 by contractual agreements for ground water research and investigation to accomplish the purposes of this Act.

At the request of the Board, the Comptroller shall transfer such sums as the Board specifies into separate accounts in order to carry out the provisions of the two paragraphs immediately preceding this one.

Expenditures from all the amounts specified hereinabove shall be governed by the provisions of Chapter 385, (H.B. 133), Acts Fifty-fifth Legislature, Regular Session, to the extent that such provisions will not conflict with this Act; provided, however, that moneys specified by this subsection which are hereby specifically transferred to the Board of Water Engineers for the purpose of carrying out the provisions of this Act may be transferred by the Board between such items, provided such transfers do not increase the salary rates specified hereinabove, with the advance, written approval of the Governor after obtaining the advice of the Legislative Budget Board.

It is further provided that line item positions and other expense items may be assigned by the Board to cooperative work with the United

States Geological Survey upon approval by the Governor after obtaining the advice of the Legislative Budget Board.

(b) Funds heretofore appropriated for the Board of Water Engineers in line items 29 through 32 of H. B. 133, Acts Fifty-fifth Legislature, Regular Session, 1957, may be used by the Board for collecting information and data to accomplish the purposes of this Act. The Board may also use any other general revenue funds appropriated to it by H. B. 133, Acts Fifty-fifth Legislature, Regular Session, 1957, necessary to accomplish the purposes of this Act, provided such transfers do not increase the salary rates specified hereinabove. Provided, however, that not more than Four Hundred Thousand Dollars (\$400,000) may be expended from the funds transferred by this subsection during the balance of the biennium ending August 31, 1959, for or by the Topographic Mapping Section described in items 5, 6, and 7 of subsection (a) of this Section 4.

That portion of said House Bill No. 133, Acts, 55th Legislature, Regular Session, 1957, immediately preceding Item Number 33 in the appropriation to the Board of Water Engineers and reading "Watershed Planning—None of the money appropriated in Items 33 through 39 below for the Watershed Planning shall be expended until and unless the Constitutional Amendment proposed by House Joint Resolution No. 3, of the Fifty-fifth Legislature is duly adopted by the voters of Texas" is hereby repealed. The sums appropriated in items 33 through 39 of the appropriation for the Board contained in said House Bill No. 133, totaling One Hundred Thousand, Two Hundred and Forty Dollars (\$100,240) for the biennium ending August 31, 1959, are hereby transferred to the Board in a lump sum for the purposes specified in this Act.

The sum of Five Hundred Thousand Dollars (\$500,000) appropriated to the Texas Prison System in that portion of House Bill No. 133, Chapter 385, General and Special Laws of the Fifty-fifth Regular Session, page 1051, entitled "Texas Prison System—Contingency Appropriations," is hereby transferred to the Board of Water Engineers to be used in accomplishing the purposes of this Act.

Effective September 1, 1958, there is hereby transferred an amount not to exceed Two Hundred Ninety-four Thousand, Four Hundred Dollars (\$294,400) or so much thereof as may be available, from the One Million, Two Hundred Fifty Thousand Dollars (\$1,250,000) previously appropriated for allocation by the Texas Commission on Higher Education to meet student enrollment increases in the eighteen State Colleges and Universities (said appropriation being the one made by House Bill No. 133, Chapter 385, Acts, Fifty-fifth Legislature, Regular Session, Article V, item 15 under the heading "Texas Commission on Higher Education") to the Board of Water Engineers to be used in accomplishing the purposes of this Act. It is specifically provided, however, that the manner or formula set forth in said Chapter 385 for allocating the One Million, Two Hundred Fifty Thousand Dollars (\$1,250,000) for meeting student enrollment increases shall be fully applied, and only the amount remaining in such appropriation after the full allocations to general academic teaching institutions have been certified by the Commission on Higher Education on or before May 1, 1958, shall be transferred to the Board of Water Engineers by the provisions of this paragraph, not to exceed Two Hundred Ninety-four Thousand, Four Hundred Dollars (\$294,400).

In addition to any funds made available by the Legislature, the Board is authorized to contract for, receive or accept money or services from anyone, or from any agency, political subdivision, or other legal entity,

provided, however, that the same shall not be, become, held or considered as a debt or enforceable obligation against the State of Texas, and may then use such money to carry into effect the duties required by this Section. The money thus obtained shall be deposited by the Board in the State Treasury as a special fund and said money may be used by the Planning Division for any of its purposes, including wages, salaries, and other expenses.

(c) No person shall be appointed Planning Engineer who has not resided in the State of Texas for at least five years of the 10 years last preceding his appointment.

(d) No person shall be appointed as Planning Engineer, Assistant Engineer, or Chief Engineer of any section authorized by this Act who is not a registered Professional Engineer under the laws of the State of Texas.

#### Authority to Acquire Conservation Storage

Sec. 5. (a) When the Board finds it necessary, in the conservation of the water resources of the State, the Board is authorized and empowered to negotiate with the United States, or any agency of the United States, for the development and acquisition of conservation storage in reservoirs constructed by the United States, or any agency thereof, and may enter into preliminary agreements therefor; provided, however, any such action shall not abrogate, modify, implement, supplement, designate or in anywise effect rights in and to such water, or in anywise affect existing or vested rights of any kind or character.

(b) The Board shall, at the next succeeding session of the Legislature, whether general or special, report in writing to the Governor, the Lieutenant Governor, and the Speaker of the House, with sufficient copies for all members of the Legislature, the status of all such negotiations, and furnish copies of all such preliminary agreements made by the Board and the United States, or any agency thereof.

(c) No such preliminary agreement shall be binding upon the State of Texas or the Board of Water Engineers, or have any effect, unless such agreement is thereafter specially approved by the Legislature.

#### Severability Clause

Sec. 6. The provisions of this Act are severable. If any section, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions hereof, regardless of the invalidity of any part.

#### Emergency Clause

Sec. 7. The fact that conservation and development of water resources is of such paramount importance to the State of Texas; the pressing need for the state to acquire conservation storage in order to conserve, develop, and beneficially use the water resources of Texas that otherwise would be wasted; the dependency of future economic growth on the enactment of this legislation; and the importance of this Act to the public welfare of the State of Texas, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and

said Rule is hereby suspended, and this Act shall be in effect from and after its passage, and it is so enacted.

Passed the Senate, October 31, 1957, by a viva voce vote; November 11, 1957, Senate refused to concur in House amendments and requested appointment of Conference Committee; November 11, 1957, House granted request of Senate; November 12, 1957, Senate adopted Conference Report: Yeas 29, Nays 2; passed the House, November 8, 1957, with amendments: Yeas 120, Nays 0; November 11, 1957, House granted request of Senate for appointment of Conference Committee; November 12, 1957, House adopted Conference Report: Yeas 132, Nays 7.

Approved Dec. 2, 1957.

Effective Dec. 2, 1957.

## REPRESENTATION BEFORE STATE AGENCIES

### CHAPTER 12<sup>10</sup>

#### H. B. No. 4

An Act requiring the registration of persons who represent others before State Agencies; defining certain terms; requiring all State Agencies to report certain information to the Secretary of State; requiring the Secretary of State to index and file reports made by State Agencies; containing certain exceptions; and providing penalties for the violation of this Act.

*Be it enacted by the Legislature of the State of Texas:*

#### Definitions

Section 1. In this Act, unless the context otherwise requires:

- (a) "state agency" means any office, department, commission or board of the executive department of government;
- (b) "person" means any individual including a member of the Legislature, legislative employee, state officer or state employee.

#### Registration

Sec. 2. Except as herein provided, every person appearing before a state agency or contacting in person any officer or employee thereof on behalf of any other person, firm, partnership, corporation or association in relation to any case, proceeding, application, or other matter before such agency, shall register in an appropriate record, which shall be maintained by the agency for such purpose, the following information:

- (a) the name and address of the registrant;
- (b) the name and address of the person, firm, partnership, corporation, or association on whose behalf the appearance or contact is made;
- (c) a statement as to whether or not the registrant has received or expects to receive any money, thing of value or financial benefit in return for the services rendered in making the appearance or contact.

This Act shall not apply to officers or employees of a state agency when appearing before or contacting officers or employees of another state agency on official inter-agency matters.

<sup>10</sup>. Vernon's Ann.P.C. art. 183—2.